

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

NELSON ROUETTE and JAY NEARIS,

Plaintiffs and
Counterclaim Defendants,

vs.

MACHINE & ELECTRICAL
CONSULTANTS, INC., FABIAN DUBE,
and NORM CREPEAU,

Defendants and
Counterclaim Plaintiffs

MACHINE & ELECTRICAL
CONSULTANTS, INC.

Third-Party Plaintiff

vs.

QUALITY MACHINE SOLUTIONS,
INC.

Third-Party Defendant

Civil Action No. 04-111534-MAP

**MEMORANDUM OF DEFENDANTS AND COUNTERCLAIM PLAINTIFF
WITH RESPECT TO PLAINTIFF AND COUNTERCLAIM
DEFENDANT JAY NEARIS'S MOTION FOR DISMISSAL**

Plaintiff and Counterclaim Defendant Jay Nearis ("Nearis") has moved for dismissal of his claims and the counterclaims against him in this action. Defendants Machine & Electrical Consultants, Inc. ("MECI"), Fabian Dube and Norman Crepeau and Counterclaim Plaintiff MECI do not oppose Nearis's motion, provided that such dismissal is with prejudice, and without costs.

Counsel for MECI and the individual defendants have conferred with counsel for Nearis, who agreed that the claims of Nearis against defendants and MECI's counterclaim against Nearis, which has been discharged in bankruptcy under 11 U.S.C. §727, should be dismissed with prejudice and without costs to any party.

DATED: April 3, 2006.

Respectfully submitted,

MACHINE & ELECTRICAL
CONSULTANTS, INC., FABIAN DUBE,
and NORM CREPEAU,

by their attorneys,

/s/ Jeffrey D. Clements

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CERTIFICATE OF SERVICE

I, Jeffrey D. Clements, hereby certify that a copy of the foregoing document was served by electronic filing to counsel of record for the plaintiffs and counterclaim defendants and by first class mail to John J. Aquino, Esq., bankruptcy counsel for Jay Nearis, on April 3, 2006.

/s/ Jeffrey D. Clements

Jeffrey D. Clements